

## REMARKS

Claims 1, 2, 4-7 and 15-21 are pending in the application. It is gratefully acknowledged that Claims 4-7 and 17-19 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner has rejected Claims 1, 20 and 21 under 35 U.S.C. §102(e) as being anticipated by Parsa et al. (U.S. Patent 6,643,318). The Examiner has rejected Claims 2, 9, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Parsa et al. in view of Kanterakis et al. (U.S. Patent 6,169,759).

Turning now to the rejections of independent Claims 1, 20 and 21 under §102(e), the Examiner states that Parsa et al. anticipates each and every feature recited in the claims. Parsa et al. discloses a hybrid DSMA/CDMA (digital sense multiple access/code divisional multiple access) method with a collision resolution for packet communications.

In Parsa et al., the BS does not select a new signature, but merely selects a MS from a plurality of MSs that has selected the same CD signatures. The Examiner replies to this in the Response to Arguments section on pages 8-9 of the Office Action. The Examiner states, “In addition, it is interpreted by the examiner that the combination of the CD-AICH acknowledgement and a CD signature sent by the BS to the MS is considered as the channel assignment signature (col. 15, lines 56-62). Parsa also explicitly discloses the BS determines/assigns an available CPCH channel to a mobile station MS (col. 16, lines 26-48).”

First, the position of the Examiner directly contradicts what is explicitly recited in Parsa et al. For example, in the Abstract Parsa et al. states, “the mobile station preferably selects a collision detection (CD) signature...”, at col. 14, lines 64-65 Parsa et al. states, “The MS randomly selects a CPCH-AP signature from the signature set...”, and at col. 15, lines 44-50 Parsa et al. states, in part, “the MS randomly selects a CD signature...” That section of Parsa et al. cited by the Examiner, namely col. 16, lines 26-48, relates to a BS receiving from a MS a CD preamble (which contains the selected signature). Parsa et al. does not support a BS selecting a

CD signature.

Further, Parsa et al. discloses at col. 16, lines 26-36 determining whether a channel requested by MS is available or not. This cannot be equated with determining one of the available channels. That is, Parsa et al. fails to disclose determining an available physical common packet channel.

Based on at least the foregoing, withdrawal of the rejections of independent Claims 1, 20 and 21 under §102(e) is respectfully requested.

Turning now to the rejections of independent Claim 15 under §03(a), the Examiner states that Parsa et al. in view of Kanterakis et al. renders obvious each and every feature of the claim. Kanterakis et al. discloses a common packet channel. Since Claim 15 recites receiving a selected one of a plurality of channel assignment signatures from the UTRAN, arguments similar to those with respect to Claims 1, 20 and 21, also apply to Claim 15.

Based on at least the foregoing, withdrawal of the rejections of independent Claim 15 under §03(a) is respectfully requested.

Independent Claims 1, 15, 20 and 21 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2 and 16, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 and 16 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2, 4-7 and 15-21, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", with a stylized flourish at the end.

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